

Att'y Ref. No. 003-113

U.S. App. No.: 10/775,140

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

Preliminary Amendment Filed 11 February 2004

Upon Applicant's review of the Office Action, it is apparent that the Preliminary Amendment filed 11 February 2004 (the filing date of this application) had not been considered. The undersigned has reviewed the Image File Wrapper (IFW) for this application through the PTO's internet PAIRs portal, and has confirmed that the February 11th Amendment is and has been of record in the application. Notably, the Office Action treated only Claims 1-13 on the merits, while Claims 1-17 (reproduced above for the patent examiner's convenience) are pending in this application by virtue of the February 11th Amendment.

Accordingly, Applicant respectfully requests withdrawal of the Office Action and issuance of a new action on the merits. 37 C.F.R. § 1.104.

Allowable Subject Matter

Applicant gratefully acknowledges the indication, at page 7 of the Office Action, that the subject matter of Claim 13 is free of the prior art.

Objection to the Disclosure

At page 3 of the Office Action, the disclosure as a whole was objected to because it allegedly made reference to the claims. Applicant respectfully requests reconsideration of this objection.

By way of the foregoing amendments, Applicant has removed reference to the claims at the locations kindly noted in the Office Action.

For at least the foregoing reasons, Applicant respectfully submits that the disclosure as a whole is not objectionable, and therefore respectfully requests withdrawal of the objection thereto.

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Objection to the Drawings

At page 2 of the Office Action, the drawings were objected to under 37 C.F.R. § 1.84 because the drawings allegedly do not include reference numeral 22. Applicant respectfully requests reconsideration of this objection.

Reference numeral 22 is, in fact, contained in the drawing figures as filed; the examiner's attention is kindly directed to Fig. 4a, left hand side. Accordingly, Applicant respectfully submits that the objection to the drawings is simply in error, as well as the requirement for a replacement drawing sheet.

For at least the foregoing reasons, Applicant respectfully submits that the drawings fully comply with 37 C.F.R. § 1.84, and therefore respectfully requests withdrawal of the objection thereto.

Objection to the Abstract

At page 2 of the Office Action, the Abstract was objected to because it allegedly does not conform to current U.S. patent practice. Applicant respectfully requests reconsideration of this objection.

By way of the foregoing amendment to the Abstract, Applicant has revised the Abstract to better conform to current U.S. practice.

For at least the foregoing reasons, Applicant respectfully submits that the Abstract is not objectionable, and therefore respectfully requests withdrawal of the objection thereto.

Objection to the Claims

At page 3 of the Office Action, all of the pending claims were objected to because they allegedly contained parenthetical reference numerals. Applicant respectfully requests reconsideration of this objection.

As noted above, the February 11th Amendment, among its other editorial and stylistic changes, removed all of the reference numerals that had been present in the claims. Accordingly,

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Applicant respectfully submits that this objection is simply in error.

For at least the foregoing reasons, Applicant respectfully submits that Claims 1-17 are not objectionable, and therefore respectfully requests withdrawal of the objection thereto.

Rejection under 35 U.S.C. § 112, second paragraph

In the Office Action, beginning at page 3, Claims 1-13 were rejected under 35 U.S.C. § 112, second paragraph, as reciting subject matters that allegedly are indefinite. Applicant respectfully requests reconsideration of this rejection.

The Office Action alleged that the claims are narrative and rife with other indefinite language. Applicant again notes that the February 11th Amendment revised the language of the claims to better conform with current U.S. patent practice, effecting numerous stylistic and editorial changes which were apparently not considered on the merits. Applicant also notes that the specific items noted in the Office Action concerning Claims 3, 12, and 13 had already been addressed in the Amendment. Applicant respectfully submits that the rejections under section 112 are simply in error, as the Office Action did not consider the claims as presented in that Amendment.

For at least the foregoing reasons, Applicant respectfully submits that Claims 1-13 fully comply with 35 U.S.C. § 112, second paragraph, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 112.

Rejection under 35 U.S.C. § 102

In the Office Action, beginning at page 5, Claims 1-3, 8, 10, and 12 were rejected under 35 U.S.C. § 102, as reciting subject matters that allegedly are anticipated by U.S. Patent No. 2,244,824, issued to Caminez. Applicant respectfully requests reconsideration of this rejection.

Applicant again notes that the Office Action did not act of the merits of the claims pending as of the mailing date of the Office Action (as the Preliminary Amendment was filed with the original application, it does not run afoul of 37 C.F.R. § 1.115(b)(2)), and therefore the rejections of the claims over *Caminez* are, on their face, simply in error and moot.

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For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 1-3, 8, 10, and 12 are not anticipated by *Caminez*, are therefore not unpatentable under 35 U.S.C. § 102, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 102.

Rejection under 35 U.S.C. § 103(a)

In the Office Action, beginning at page 6, Claims 4-7, 9, and 11 were rejected under 35 U.S.C. § 103(a), as reciting subject matters that allegedly are obvious, and therefore allegedly unpatentable, over *Caminez*. Applicant respectfully requests reconsideration of this rejection.

For the same reasons above concerning the rejection of certain claims under section 102, the rejections of the claims over *Caminez* under section 103 are, on their face, simply in error and moot.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 4-7, 9, and 11, each taken as a whole, would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention, are therefore not unpatentable under 35 U.S.C. § 103(a), and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 103(a).

Conclusion

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If the patent examiner believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, they are invited to call on the number below.

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It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

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